THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.832 of 2007

Between:

Datla Gopala Krishnam Raju.

.. PETITIONER

and

The Agency Divisional Officer and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.832 of 2007

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ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring the action of the 1st respondent in passing the order in L.T.R.Case No.B/BCM/2004, dated 21-11-2006, as illegal and arbitrary.

It is the case of the petitioner that the 1st respondent passed ejectment order against one Datla China Venkatapathi Raju, who is the father of the petitioner, in respect of the land admeasuring 333 sq. yards in Sy.No.75/7 situated at Bhadrachalam Village and Mandal, Khammam District. In fact, the said Datla China Venkatapathi Raju died on 19-09-2002 itself and the petitioner succeeded the land in question and he has been in continuous possession and enjoyment of the same and there is no violation of any of the provisions of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70. Further, the 1st respondent passed the impugned order without giving any notice to the petitioner.

Admittedly, an appeal lies against the said order before the Additional Agent to the Government. As it is stated that the petitioner is in possession of the land in question and he has not been given any notice, I am of the opinion that it is just and proper to permit the petitioner to file an appeal before the Additional Agent to the Government.

Accordingly, the writ petition is disposed of permitting the petitioner to file an appeal against the order of the 1st respondent, dated 21-11-2006, before the Additional Agent to the Government, within two weeks from the date of receipt of a copy of this order. If any such appeal is filed within two weeks from the date of receipt of a copy of this order, status-quo obtaining as on today with regard to possession shall be maintained pending disposal of the appeal. There shall be no order as to costs.

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11-10-2007

Prv

Rev.W.P.M.P.No.22958 of 2007
in
WRIT PETITION No.832 of 2007

This application has been filed to review the order, dated 08-06-2007 passed in W.P.No.832 of 2007.

Learned counsel appearing for the petitioner contended that the said order has been passed without hearing the learned counsel appearing for the petitioner and the same has not been controverted by the learned counsel appearing for the respondents.

Having regard to the facts and circumstances of the case, the Rev.W.P.M.P. is allowed and the order, dated 08-06-2007, dismissing the W.P.No.832 of 2007, is set aside and the same is restored to its file.

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